

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

)

CAE NO. 8:05CR83

)

Plaintiffs,

)

v.

)

ORDER

)

MANUEL L. MARTINEZ,

)

)

Defendant.

)

)

This matter is before the Court on the Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (§ 2255 motion) (Filing No. 118), and the government's Answer and responsive materials (Filing Nos. 120, 121, & 122). The Court has reviewed all of the submitted documents and will hold an evidentiary hearing on the matter.

IT IS ORDERED:

1. A hearing is scheduled on the Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (§ 2255 motion) before the undersigned United States District Judge on **September 7, 2007 at 9:00 a.m.** in Courtroom No. 2, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska;
2. The Federal Public Defender shall immediately enter an appearance or provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district;
3. The Marshal is directed to return the Defendant to the district for this hearing. If the Defendant at a later date decides to waive his right to be present at the hearing, he may do so (at least 6 weeks prior to the hearing) by contacting his attorney who shall then inform the court and the U.S. Marshal of the Defendant's decision. In that event, the Defendant may participate telephonically in the hearing by informing his attorney, who in turn shall supply this court with a telephone number at which the Defendant may be reached for the hearing; and

4. The Clerk of the Court shall provide a copy of this Memorandum and Order to the U.S. Marshal, counsel of record, the Federal Public Defender, and the Defendant at the address of record for his current place of incarceration.

DATED this 30th day of August, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge